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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/547,088	04/11/2000	Paresh V. Kitchloo	KITCHLOO ET AL 339	3697

24336 7590 09/12/2002  
KEUSEY, TUTUNJIAN & BITETTO, P.C.  
14 VANDERVENTER AVENUE, SUITE 128  
PORT WASHINGTON, NY 11050

EXAMINER

HAMLIN, DERRICK G

ART UNIT	PAPER NUMBER
1751	16

DATE MAILED: 09/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/547,088	KITCHLOO ET AL.	
Examiner	<b>Art Unit</b>		
Derrick G. Hamlin	1751		

*-- Tb. MAILING DATE of this communication app ars on the cov r sheet with th correspond nce address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

**THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on 01 July 2002 .

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 17-57 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 17-57 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) 5)  Notice of Informal Patent Application (PTO-152)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_. 6)  Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Prosecution Application***

The request filed on 7/1/2002 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/547,088 is acceptable and a CPA has been established. An action on the CPA follows.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Evaluations of level of ordinary skill in the art requires consideration of factors such as various prior art approaches employed, types of problems encountered in the art, rapidity with which innovations are made, sophistication of technology involved, educational background of those actively working in the field, commercial success, failure of others, and the inventor's educational level.

The "person having ordinary skill" in this art has the capability of understanding the scientific and engineering principles applicable to the claimed invention. The references of record in this case reasonably reflect this level of skill.

Claims 17-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato et al. (5,824,464).

Kato discloses a method for forming color on a an image which may employ the organic solvent include tetrahydrofuran and dioxane, hydrocarbons such as benzene, toluene, xylene and chlorobenzene, and halogenated hydrocarbons such as methylene chloride, dichloroethane, tetrachloroethane, chloroform, plasticizers which may include include dimethyl phthalate, dibutyl phthalate, dioctyl phthalate, diphenyl phthalate, triphenyl phosphate, diisobutyl adipate, dimethyl sebacate, dibutyl sebacate, butyl laurate, methyl phthalyl glycolate, and dimethyl glycol phthalate, which may be applied to substrate which may be a plastic sheet. (abstract, col. 21, lines 53-67; col. 35, lines 43-66; col. 96, lines 40-47)

The reference also fails to teach that a substrate can be dyed in less than a min. It is the examiners position that since a diallyl phthalate is taught in an organic solvent, the materials would inherently have the same properties. The reference fails to teach the specific solvents disclosed in the specification as aggressive to the plastic material. Furthermore, the reference does teach the use of the specific organic solvent.

Therefore, from the Kato reference it would be obvious to use the instantly claimed method.

Claims 17-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schell et al. (5,824,464).

Schell discloses a photographic element, which includes a support having a front surface and a back surface, and a silver halide imaging layer superposed on the front side of the support (abstract). A coating composition of the invention can be applied by any of a number of well-known techniques and the layer is generally dried by simple

evaporation, which may be accelerated by known techniques such as convection heating. (col. 7, lines 44-47) The support material may comprise various polymeric films, such as, polycarbonate (col. 4, lines 10-14). In addition, diallyl phthalate can be used as a non-film forming polymer (col. 5, lines 1 and 2). Color photographic elements of this invention typically contain dye, image-forming units sensitive to each of the three primary regions of the spectrum such, addenda include spectral sensitizing dyes, image dye stabilizers, filter dyes and UV absorbers, plasticizers and the like. The coating composition may also include small amounts of organic solvents. (col. 8, lines 58-67)

The reference fails to teach the use of the specific solvents disclosed in the specification as aggressive to the plastic material. However the applicant has not claimed the specific solvents, nor has the applicant excluded solvents; and the examiner has no way of knowing which solvents would be aggressive. Furthermore, the reference does not teach the use of a totally organic solvent, however the claims only require that a dye be dissolved in an organic solvent. The reference also fails to teach that a substrate can be dyed in less than a min. It is the examiners position that since a diallyl phthalate is taught in an organic solvent, the materials would inherently have the same properties.

Therefore, from the Schell reference it would be obvious to use the instantly claimed method.

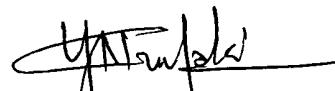
The remaining references listed on forms 892 and 1449 have been reviewed by the examiner and are considered to be cumulative to or less material than the prior art references relied upon in the rejection above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derrick G. Hamlin whose telephone number is (703) 305-0590. The examiner can normally be reached on Monday-Thursday and alternating Fridays from 7:30 AM - 4:00 PM.

If reasonable attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for this Group is (703) 305-3600.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Derrick G. Hamlin



YOGENDRA N. GUPTA  
SUPERVISORY PATENT EXAMINER  
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